

MRS. LILA A. WEMP

MAY 14, 1942.—Ordered to be printed

Mr. BROWN, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2165]

The Committee on Claims, to whom was referred the bill (S. 2165) for the relief of Mrs. Lila A. Wemp, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The purpose of the bill is to provide \$10,000 national service life insurance for Mrs. Lila A. Wemp, mother of Lt. Wilmer Esler, who died as a result of injuries received in line of duty as a result of an airplane accident at Camp Beauregard, La., on April 11, 1941.

Wilmer Esler was commissioned as a second lieutenant in the Air Corps on January 14, 1940, and entered on active duty October 13, 1940.

Major Anderson, who was Lieutenant Esler's commanding officer, furnished a statement to the Veterans' Administration to the effect that the deceased veteran executed an application for insurance on or about November 8, 1940. Lieutenant Lander, One hundred and Seventh Observation Squadron, made affidavit that during the first part of March while discussing the subject of insurance with Lieutenant Esler, the latter stated, "I am making some corrections and sending it right in."

Mrs. Wemp stated that at Christmas time Lieutenant Esler asked her if she had received her insurance papers and said "Mom, if anything happens to me there is \$10,000 for you;" that he later told her that the insurance papers had been returned to him because he did not sign them properly, but that he had returned them but that they were not back from Washington.

The records of the Veterans' Administration, however, fail to disclose any record indicating that Lieutenant Esler made application for national service life insurance, nor is there any record indicating that he paid any premiums to the Veterans' Administration for insurance or authorized any deduction of premiums for insurance from his pay. Because of these facts, the Veterans' Administration denied the claim.

It seems clear from the evidence that Lieutenant Esler sent in his application for insurance, but that it became mislaid or lost. Certainly, he would not have made the statements he did had he not executed an application for insurance. With thousands of applications being received at the Veterans' Administration one could easily have become lost. In any event, it is the opinion of your committee that claimant should be given the benefit of the doubt, and it is accordingly recommended that the bill do pass.

The facts are fully set forth in the following communications, which are appended hereto and made a part of this report.

VETERANS' ADMINISTRATION,
Washington, January 28, 1492.

HON. PRENTISS M. BROWN,
*Chairman, Committee on Claims,
United States Senate, Washington, D. C.*

MY DEAR SENATOR BROWN: Further reference is made to your letter dated January 7, 1942, requesting a report on S. 2165, Seventy-seventh Congress, "A bill for the relief of Mrs. Lila A. Wemp," which provides:

"That the Administrator of Veterans' Affairs is authorized and directed, in administering the National Service Life Insurance Act of 1940, as amended, to assume that Lt. Wilmer Esler (XC-2962172), formerly of the One Hundred and Seventh Observation Squadron, who died of injuries received in line of duty as a result of an airplane accident at Camp Beauregard, La., on April 11, 1941, had applied for and been granted national service life insurance, as of October 8, 1940, in the amount of \$10,000, and that Mrs. Lila A. Wemp, of Detroit, Mich., mother of the said late Lt. Wilmer Esler, had been designated as beneficiary of such insurance.

"Sec. 2. The payments of insurance made as a result of the enactment of the first section of this Act shall be in full satisfaction of all claims based upon the said late Lieutenant Wilmer Esler's having applied for national service life insurance and shall be in lieu of any payments of insurance based upon his death payable to any person under the provisions of section 602 (d) (2) of such Act, as amended, or any other similar provision of law heretofore or hereafter enacted. Any payments of insurance which may have been made to any person under the provisions of such section 602 (d) (2) shall be deducted from the amount of the payments made as a result of the enactment of the first section of this Act."

The purpose of the bill is to provide \$10,000 national service life insurance for Mrs. Lila A. Wemp, mother of Lt. Wilmer Esler (XC-2962172).

Wilmer Esler was commissioned as a second lieutenant in the Air Corps on January 14, 1940, and entered on active duty October 13, 1940. He died April 11, 1941, as a result of an airplane accident at Camp Beauregard, La.

Major Anderson, who was Lieutenant Esler's commanding officer, furnished a statement to the effect that the deceased veteran executed an application for insurance on or about November 8, 1940.

Lieutenant Lander, One Hundred and Seventh Observation Squadron, made affidavit that during the first part of March while discussing the subject of insurance with Lieutenant Esler, the latter stated, "I am making some corrections and sending it right in."

Mrs. Lila A. Wemp stated that at Christmas time Lieutenant Esler asked her if she had received her insurance papers and said, "Mom, if anything happens to me there is \$10,000 for you"; that he later told her that the insurance papers had been returned to him because he did not sign them properly, but that he had returned them but that they were not back from Washington; that he added, "Cheap insurance less than \$85 per year."

A thorough search of the records of the Veterans' Administration and of the records of the One Hundred and Seventh Observation Squadron, Camp Beauregard, La., fail to disclose any record indicating that Lieutenant Esler made application for national service life insurance, nor is there any record indicating that he paid any premiums to the Veterans' Administration for insurance or authorized any deduction of premiums for insurance from his pay.

Thatcher Howard, second lieutenant, Air Corps, acting personnel adjutant, advised the Veterans' Administration under date of May 17, 1941, "We are of the opinion that Lieutenant Esler had not made application since his induction into Federal service, October 5, 1940."

After careful consideration of all the facts, the Veterans' Administration has determined the evidence is insufficient to justify a finding that Lieutenant Esler had any national service life insurance at the time of his death.

The bill would grant Mrs. Lila A. Wemp benefits denied to the mothers of other deceased veterans who died without having insurance in force at the time of death.

In view of the foregoing, the Veterans' Administration is unable to recommend favorable consideration of the bill.

Attention is invited to the fact that Lieutenant Esler's mother may be entitled to national service life insurance benefits in the amount of \$5,000 under the provisions of Public, No. 360, Seventy-seventh Congress, approved December 20, 1941, if she is dependent. Mrs. Wemp has been advised of her right to apply for benefits under Public, No. 360.

Very truly yours,

FRANK T. HINES, *Administrator.*

STATE OF LOUISIANA,

Parish of Rapides:

This is to certify, that I, Paul E. Meisel, when a member of the One Hundred and Seventh Observation Squadron, Camp Beauregard, La., did, on or about March 15, 1941, purchase a money order, payable to the Veterans' Administration, at the post office, in the town of Alexandria, La., for the payment of a life insurance premium on the policy of Lt. Wilmer Esler (deceased), O360457, Air Corps.

PAUL E. MEISEL, 20640885,
*Corporal, Headquarters and Headquarters Squadron
Sixty-seventh Observation Group.*

Subscribed and sworn to before me this 21st day of February 1942.

THATCHER HARWARD,
First Lieutenant, Air Corps, Summary Court.

AFFIDAVIT

Before me, the undersigned, authority for administering oaths of this character, personally appeared Capt. Charles W. Schott, Air Corps, who, after being duly sworn, deposes and states:

"Shortly after the arrival of the One Hundred and Seventh Observation Squadron at Camp Beauregard, La., information with regard to national service life insurance and applications incidental thereto were made available. On the morning after this material was received many of the officers made out their applications in the squadron operation office. The undersigned has a distinct recollection of discussing the insurance with Second Lt. Wilmer Esler at this time and of being seated at one typewriter completing my application while he was typing his at an adjacent typewriter."

Further the deponent sayeth not.

CHARLES W. SCHOTT,
Captain, Air Corps.

Subscribed and sworn to before me this the 29th day of December 1941.

JOHN H. CHICK,
Lieutenant, Air Corps, Adjutant.

AFFIDAVIT

STATE OF MICHIGAN,

County of Wayne, ss:

Frederick R. Anderson, being first duly sworn, deposes and says as follows:

1. That during the month of November 1940, and up to and including the 1st day of February 1941, he was commanding officer of the One Hundred and Seventh Observation Squadron of the United States Army located at Camp Beauregard, La. Deponent further says that he was personally acquainted with Second Lt. Wilmer Esler, an officer of said One Hundred and Seventh Observation Squadron, stationed at said Camp Beauregard.

2. Deponent further says that he knows of his own knowledge that on or about November 8, 1940, the Second Lt. Wilmer Esler made application for national service life insurance in the sum of \$10,000 to the Veterans' Administration. Deponent further says that after the said Wilmer Esler had filled out said application for national service life insurance, that he submitted to this deponent, his commanding officer, said application and asked this deponent to examine same.

3. Deponent further says that said application, when presented to him for inspection, was signed by the said Wilmer Esler, and that this deponent told the said Wilmer Esler that as far as he could see, said application was made out in proper form.

4. Deponent further says that the said Second Lt. Wilmer Esler, above referred to, is the same person, who on April 11, 1941, was killed in an Army observation plane while taking off from the airport at Camp Beauregard.

FREDERICK R. ANDERSON,

Major, Air Corps.

Subscribed and sworn to before me this 2d day of July, A. D., 1941.

ARTHUR M. SCHRIEBER,

Notary Public, Wayne County, Mich.

My commission expires January 14, 1945.

STATE OF SOUTH CAROLINA,

County of Charleston:

Before this summary court, on this 8th day of January 1942, personally appeared Maj. Frederick R. Anderson, party to me well known, who, being duly sworn, deposes and says:

That affiant from the 28th day of October 1940, to the 5th day of February 1941, was the commanding officer, of the One-Hundred and Seventh Observation Squadron, stationed at the airfield at Camp Beauregard, La, now known as Esler Field;

That Lt. Wilmer Esler was also stationed at said airfield from on or about the 6th day of October 1940 to the day of his death, April 11, 1941; that affiant was well acquainted with the said Lt. Wilmer Esler; that the said Lt. Wilmer Esler was a young man of exceptionally good character, honorable, honest, straightforward, and reliable in all statements that he made;

That all the officers at said airfield made application during 1940 to the Veterans' Administration for national service life insurance; that a number of said applications were returned on account of some slight error, in order that they might be corrected and returned to the Veterans' Administration;

That the said Lieutenant Esler did make application for such insurance at the same time that other members of the unit applied; and that the application was returned to said Lieutenant Esler for corrections by the said Veterans' Administration, which corrections were made by the said Lieutenant Esler.

That affiant makes this statement in reference to the history of the application of the said Lieutenant Esler based upon the following information, to wit:

Affiant further deposes and says that his own experience in connection with his own application to the Veterans' Administration leads him to believe that it is not improbable that an error occurred in the Washington office in connection with the said Lieutenant Esler's application; that affiant's own experience of error committed by the said Washington office is as follows:

See correspondence attached.

Affiant further deposes and says that he makes the following observations with reference to the character, ability, and high standing of the late Lt. Wilmer Esler:

Lt. Wilmer Esler was an excellent pilot, a fine, honorable young man of excellent character and reliable in every way.

That affiant further deposes and says that the facts attending the accident resulting in the death of the said Lt. Wilmer Esler are as follows, according to the best of affiant's information and belief to wit:

Lieutenant Esler's death was due to engine failure on a take-off at Esler Field on the morning of April 11, 1941. Cause of engine failure could not be determined due to the condition of the engine after the crash.

FREDERICK R. ANDERSON,
Major, Air Corps.

Subscribed and sworn to before me this — day of ——— 1942.

THATCHER HARWARD,
First Lieutenant, Air Corps,
Summary Court.

MAY 19, 1941.

DEAR MRS. WEMP: Your letter came today, and I am shocked to learn that the Veterans' Administration have stated that they had no application for insurance from Lieutenant Esler. However, they are a pretty lax outfit, and I wouldn't give up hope yet.

I suggest that you write to Mr. H. L. McCoy, Director of Insurance, Veterans' Administration, Washington, D. C., stating that you had written previously and had been informed that Lieutenant Esler did not apply for national service life insurance.

I would then state that you had communicated with the commanding officer of the squadron to which Lieutenant Esler belonged, and that you had definitely been assured that Lieutenant Esler did make application for insurance at the same time other members of the unit applied; that the application had been accompanied by a check to cover the first premium, and that the application had been returned for corrections, which were made, and the application again mailed to Washington.

I would also write a letter to the Honorable John Dingell, M. C., House Office Building, Washington, D. C., stating the facts and telling him that you are writing him at my suggestion. He is a good friend of the squadron, and I know he will look into it for you.

With kindest regards and best wishes, I am

Sincerely yours,

FREDERICK R. ANDERSON, Major, Air Corps.

Roberts L. Lander, first lieutenant Air Corps, One Hundred and Seventh Observation Squadron, being duly sworn deposes and says:

That sometime during the first 2 weeks of March 1941 he had a conversation with Lt. Wilmer Esler in regard to life insurance, then being applied for by officers and men of the squadron;

That at that time in response to a direct question by deponent in regard to filling out said application, Wilmer Esler replied "I am making some corrections and am sending it right in."

This affidavit is given to aid whomever it may concern to fix the approximate date on which said application may have been mailed.

ROBERTS L. LANDER,
First Lieutenant, Air Corps.

On this 9th day of September A. D. 1941 before me personally came the above-named Roberts L. Lander, and made oath that he has read the foregoing affidavit by him subscribed and knows the contents thereof and that the same is true of his own knowledge, except as to matters therein stated to be on information and belief and as to those matters he believes the same to be true.

THATCHER HARWARD,
Second Lieutenant, Air Corps,
Summary Court Officer, One Hundred and Seventh Observation Squadron.

MRS. LILA A. WEMP

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE AIR CORPS,
Washington, July 3, 1941.

Mrs. LILA WEMP,
17200 Pontchartrain Drive,
Detroit, Mich.

DEAR MRS. WEMP: The War Department has recently designated the new Air Corps flying field at Camp Beauregard, La., as Esler Field in honor of Lt. Wilmer Esler. You will be gratified to know that the War Department selected his name as an honor to an outstanding officer of the Air Corps who served his country with distinction.

This recognition by the War Department for duty well done, will perpetuate his name throughout the service to which he gave his unmeasured devotion.

A copy of the War Department's official announcement, AG 680.9 (6-6-41) dated June 14, 1941, Subject: "Naming of New Air Corps Stations" is forwarded herewith.

Sincerely yours,

GEO. H. BRETT,
Major General, Air Corps,
Chief of the Air Corps.

STATE OF MICHIGAN,
County of Wayne, ss:

I, Lila Wemp, of Detroit, Mich., depose and say:

That I was left a widow when Wilmer was 5 weeks old. I raised him and supported him alone, giving him the best education possible, including 5 years military training. He was a graduate of Morgan Park Military Academy at Chicago, and had Culver summer-school training.

I had managed to set aside, during this time, enough money to provide him with a college education. He reached college age during the depression.

Wilmer chose aviation as a profession. I sent him to Boeing School of Aeronautics, where he took his ground courses as well as the flying instruction. He received his transport license there, also his blind-flying and instrument rating. This was a very expensive course, costing me over \$8,000. The tuition alone was \$5,200. This in addition to the effort and courage on the part of Wilmer, himself.

At the time of his induction into the Army, Wilmer was employed by T. W. A. out of Kansas City. They carry for all their pilots a \$10,000 insurance policy, which of course was canceled automatically at the time of his induction.

LILA WEMP.

Subscribed and sworn to before me this 20th day of December 1941.

[SEAL]

ALBERT E. WIDEMAN,
Notary Public, Wayne County, Mich.

My commission expires November 1, 1943.

STATE OF MICHIGAN,
County of Wayne, ss:

I, Lila Wemp, of Detroit, Mich., depose and say that the following is an accurate and true account of the facts and circumstances pertaining to the death of my son, Lt. Wilmer Esler, of the One Hundred and Seventh Observation Squadron, on April 11, 1941. This affidavit is based on my personal knowledge and on information given to me by persons as hereinafter set forth:

In October 1941, Captain Nichols of the One Hundred and Seventh Observation Squadron was in Detroit on leave of absence. He and his wife had dinner with me. He described Wilmer's death to me, stating that he was a pilot of exceptional ability and of great courage. He made the statement that Wilmer undoubtedly could have saved his own life if he had not had other passengers, but that a good captain does not desert his ship. He stated that, at about 200 feet in the air when the motor stopped, Wilmer could have—by the power of the motor—raised the plane to about 500 feet, from which point he could have parachuted; but that by the time the other two passengers could have collected their wits and jumped, the plane would have been too low for him to have done likewise. Instead, Wilmer called to Lieutenant Smith, Observer, and Private Yesalones saying "Hang on boys, we're going to crash." Both men covered their heads in preparation, and both boys were saved.

Captain Nichols said "If it had not been for a creek which runs across the field with a high embankment on both sides, which he could not help but hit, Wilmer too would have been saved." The plane did not tailspin and both motor and radio ignition were turned off so that the plane did not burn.

I have seen the field and know that there was no margin of safety. A thousand feet from the spot where the plane took off there was no choice of a place to land.

Private Yesalones called on me about a month after Wilmer's death. He said he wanted to meet Lieutenant Esler's mother to express his gratitude and the gratitude of his family that Lieutenant Esler was at the controls. He said "I don't believe another pilot in the world would have done it. I feel that he was divinely inspired and I owe him my life."

LILA WEMP.

Subscribed and sworn to before me this 20 day of December 1941.

[SEAL]

ALBERT E. WIDEMAN,
Notary Public, Wayne County, Mich.

My commission expires November 1, 1943.

HEADQUARTERS, ONE HUNDRED AND SEVENTH OBSERVATION SQUADRON,
Camp Beauregard, La., January 27, 1941.
VETERANS' ADMINISTRATION,
Washington, D. C.

(Attention, Mr. H. L. McCoy, Director of Insurance.)

GENTLEMEN: On November 6, 1940, I made application for United States Government life insurance, and forwarded a check in the amount of \$67.30 to cover the first 3 months' premiums. I was informed that I would have to make application for national service life insurance, which I did on December 1, 1940, and forwarded another check in the amount of \$9.20 to pay 1 month's premiums. To date I have heard nothing from your office, nor have I received a refund of money.

I would appreciate an acknowledgment of this letter and information as to whether or not I am insured. If I am not insured, what must I do to get a policy?

Yours very truly,

FREDERICK R. ANDERSON,
Major, Air Corps, Commanding.

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